WARNING: AT LEAST ONE DOCUMENT COULD NOT BE INCLUDED!

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Document Number	Document Description	Pages	Document Error
Document 1	Attachment	1	DOCUMENT COULD NOT BE RETRIEVED!
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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

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§	CASE NO. 7:21-CV- 018
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COMPLAINT IN CONDEMNATION

- 1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.
- 2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.
- 3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."
- 4. The public purpose for which said interest in property is taken is set forth in Schedule "B."
 - 5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in

Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is

set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired

is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said

acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by

reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of

the property described in Schedules "C" and "D" be condemned, and that just compensation for

the taking of said interest be ascertained and awarded, and for such other relief as may be lawful

and proper.

Respectfully submitted,

RYAN K. PATRICK

United States Attorney

Southern District of Texas

By: s/ Alexander N. DerGarabedian_

Alexander N. DerGarabedian

Assistant United States Attorney

Southern District of Texas No. 3381593

New York Bar No. 5103577

1701 W. Bus. Highway 83, Suite 600

McAllen, TX 78501

Telephone: 956-992-9380

Facsimile: (956) 618-8016

E-mail: alexander.dergarabedian@usdoj.gov

SCHEDULE A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain a border security tower, roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-5079

Owner: Genoveva Carlos Vallejo, et al.

Acres: 1.821

Being a 1.821 acre (79,339 square feet) parcel of land, more or less, being out of the Juana Josefa Gutiérrez Survey, Abstract No. 84, Porción 72, ancient jurisdiction of Camargo, Mexico, now Starr County, Texas, being out of Share 15-A as described in the Final Decree of Partition recorded in Volume 88, Page 470, Deed Records of Starr County, Texas, being out of a called 5.288 acre tract conveyed to Genoveva Carlos Vallejo by General Warranty Deed recorded in Volume 1360, Page 400, Official Records of Starr County, Texas (Tract 2, Share 15-A), being out of a called 5.287 acre tract conveyed to Genoveva Carlos Vallejo by General Warranty Deed recorded in Volume 1360, Page 394, Official Records of Starr County, Texas (Tract 3, Share 15-A), and being out of a called 15.862 acre tract conveyed to Genoveva Carlos Vallejo by General Warranty Deed recorded in Volume 1360, Page 388, Official Records of Starr County, Texas (Tract 4, Share 15-A), said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a found 5/8" rebar at the northeast corner of a called 31.85 acre tract conveyed to Baldemar Perez, Everardo N. Perez, Maria Paula P. Alvarez, Jose A. Perez, Pedro Perez, Jr., Carmen P. Morin, Ramiro Perez, Irma P. Alvarez, Hilda P. Ben and Roberto Perez by Affidavit to the Public recorded in Volume 769, Page 24, Official Records of Starr County, Texas, an easterly interior corner of Share 14, a westerly exterior corner of Share 15-A, the northwest corner of a called 5.287 acre tract conveyed to Maria E. Gonzalez Munoz by Warranty Deed recorded in Volume 1144, Page 15, Official Records of Starr County, Texas (Tract 1, Share 15-A), and a southerly corner of a called 9.07 acre tract conveyed to Gerardo Garza Lopez by General Warranty Deed recorded in Volume 1311, Page 249, Official Records of Starr County, Texas, said point having the coordinates of N=16664416.963, E=851299.423, said point bears S 75°43'53" E, a distance of 5040.09' from United States Army Corps of Engineers Control Point No. SS10-2019;

Thence: S 81°28'34" E (S 81°53'00" E, Record), with the north line of the 5.287 acre Maria E. Gonzalez Munoz tract and the south line of the 9.07 acre tract, for a distance of 78.91' to a point for the northeast corner of the 5.287 acre Maria E. Gonzalez Munoz tract and the northwest corner of the 5.288 acre tract, said point being in the south line of the 9.07 acre tract;

Thence: S 08°31'26" W (N 08°07'00" E, Record), departing the south line of the 9.07 acre tract, with the west line of the 5.288 acre tract and the east line of the 5.287 acre Maria E.

Gonzalez Munoz tract, for a distance of 614.38' to a found 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description:"RGV-RGC-5078-2=5079-1" for the **Point of Beginning** and northwest corner of Tract RGVRGC- 5079, said point being in the west line of the 5.288 acre tract and the east line of the 5.287 acre Maria E. Gonzalez Munoz tract, said point having the coordinates of N=16663797.671, E=851286.397;

Thence: S 70°08'04" E, departing the east line of the 5.287 acre Maria E. Gonzalez Munoz tract, over and across the 5.288 acre tract, the 5.287 acre Genoveva Carlos Vallejo tract, and the 15.862 acre tract, passing at 80.06' the east line of the 5.288 acre tract and the west line of the 5.287 acre Genoveva Carlos Vallejo tract, passing at 160.13' the east line of the 5.287 acre Genoveva Carlos Vallejo tract and the west line of the 15.862 acre tract, continuing for a total distance of 397.88' to a calculated point for the northeast corner of Tract RGV-RGC-5079, said point being in the east line of the 15.862 acre tract and the west line of a called 6.0 acre tract conveyed to Canuto Perez, Beatriz Perez Garcia, Daniel Perez, Antonio Perez and Maria Perez Guerrero by Partition-Cause No. 3086 recorded in Volume 293, Page 347, Deed Records of Starr County, Texas (Tract 6, Share15-A), and being the same tract of land acquired by Azeneth Alvarez Alanis through inheritance as described in Affidavit of Facts Concerning Identity of Heirs recorded in Volume 1440, Page 126 and Volume 1440, Page 128, Official Records of Starr County, Texas;

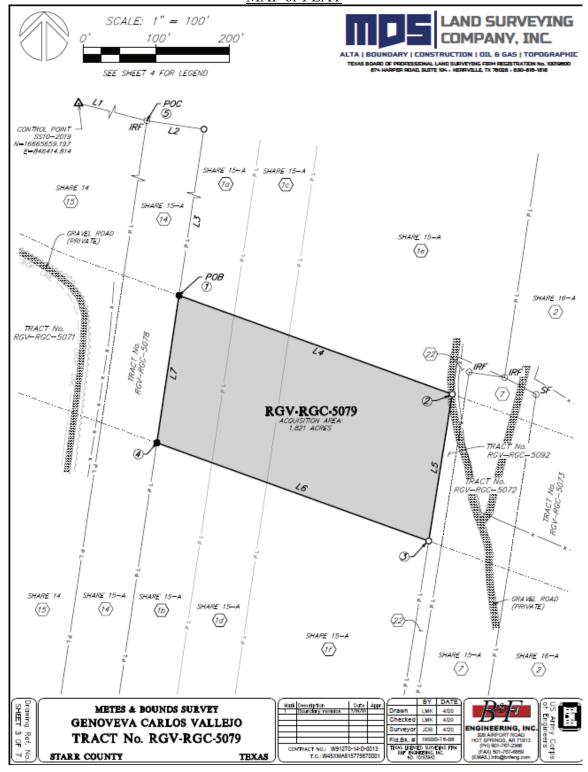
Thence: S 09°05'54" W (S 08°07'00" W, Record), with the east line of the 15.862 acre tract and the west line of the 6.0 acre tract, for a distance of 203.45' to a calculated point for the southeast corner of Tract RGV-RGC-5079, said point being in the east line of the 15.862 acre tract and the west line of the 6.0 acre tract;

Thence: N 70°09'06" W, departing the west line of the 6.0 acre tract, over and across the 15.862 acre tract, the 5.287 acre Genoveva Carlos Vallejo tract, and the 5.288 acre tract, passing at 235.66' the west line of the 15.862 acre tract and the east line of the 5.287 acre Genoveva Carlos Vallejo tract, passing at 315.72' the west line of the 5.287 acre Genoveva Carlos Vallejo tract and the east line of the 5.288 acre tract, continuing for a total distance of 395.78' to a found 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-5078-3=5079-4" for the southwest corner of Tract RGV-RGC-5079, said point being in the west line of the 5.288 acre tract and the east line of the 5.287 acre Maria E. Gonzalez Munoz tract;

Thence: N 08°31'26" E (N 08°07'00" E, Record), with the west line of the 5.288 acre tract and the east line of the 5.287 acre Maria E. Gonzalez Munoz tract, for a distance of 203.97' to the **Point of Beginning.**

SCHEDULE D

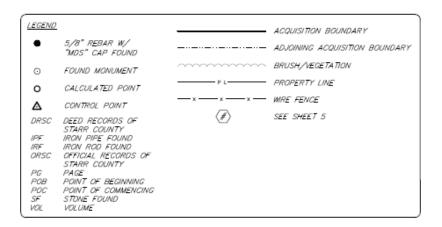
EAND TO BE CONDEMNED MAP or PLAT



LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	S 75'43'53" E	5040.09"	N/A	N/A
L2	S 81"28'34" E	78.91	S 81'53'00" E	N/A
L3	S 08'31'26" W	614.38'	N 08'07'00" E	N/A
L4	S 70"08"04" E	397.88	N/A	N/A
L5	S 09'05'54" W	203.45	S 08'07'00" W	N/A
L6	N 70°09'06" W	395.78'	N/A	N/A
LZ	N 08'31'26" E	203.97"	N 08°07'00" E	N/A

COORDINATE TABLE

		0001101111112	
MONUMENT No.			MONUMENT NAME
1	16663797.671	851286.397	RGV-RGC-5078-2=5079-1
2	16663662.465	851660.604	RGV-RGC-5079-2=5092-4
3	16663461.576	851628.433	RGV-RGC-5079-3=5092-3
4	16663595.955	851256.164	RGV-RGC-5078-3=5079-4
5	16664416.963	851299.423	POC RGV-RGC-5071 5078 5079



NOTES:

- 1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NADB3/(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS/(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE CRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TIDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G.
- GRID X 1.000040000 SURFACE).

 2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.

 3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.

- 3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNEY.
 NUMBERS 4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
 5. FIELD SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
 7. MOS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO BUF
 ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS CONTRACTING OFFICER'S REPRESENTATIVE IS STEPPEN CORLEY, RPLS (817) 886—1143.
 8. TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON APRIL 2, 2020 (TICKET NO. 2059362327).



ALTA | BOUNDARY | CONSTRUCTION | DIL & GAS | TOPOGRAPHIC ICIARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION No. 1 874 HARPER ROAD, SUITE 104 - KERRYILLE, TX 78028 - 830-816-1818

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METES & BOUNDS SURVEY GENOVEVA CARLOS VALLEJO TRACT No. RGV-RGC-5079

STARR COUNTY

Mark Description
1 Boundary revision Date Appr. 7/96/90 CONTRACT NO.: W91278-14-D-0013 T.O.: W45XMA815779870001 TEXAS

Drawn LMK 4/20 Checked LMK 4/20 Surveyor JDB 4/20 Fld.Bk. # 198 TEKAS LICENSED SURVEYING FRM. BAP BIGINESSING, INC. NO. 10193340





(10)

GENOVEVA CARLOS VALLEJO CALLED 5.288 ACRES GENERAL WARRANTY DEED VOL 1360, PG. 400 ORSC (TRACT 2, SHARE 15-A)

REMAINING AREA: 1.121 ACRES

(1b)

GENOVEVA CARLOS VALLEJO CALLED 5.288 ACRES GENERAL WARRANTY DEED VOL 1360, PG. 400 ORSC (TRACT 2, SHARE 15-A)

REMAINING AREA: 3.802 ACRES

(70)

GENOVEVA CARLOS VALLEJO CALLEO 5.287 ACRES GENERAL WARRANTY DEED VOL. 1360, PG. 394 ORSC (TRACT 3, SHARE 15-A)

REMAINING AREA: 1.150 ACRES

(1d)

GENOVEVA CARLOS VALLEJO CALLEO 5.287 ACRES GENERAL WARRANTY DEED VOL. 1360, PG. 394 ORSC

REMAINING AREA: 3.776 ACRES

(3)

RAFAEL CASTRO JMENEZ CALLED 11.35 ACRES GENERAL WARRANTY DEED VOL. 1431, PG. 283 ORSC

 \bigcirc CHRISTIAN ELI CHAPA CALLED 5.0 ACRES DEED OF GIFT VOL. 1498, PG. 268 ORSC

(1e)

GENOVEVA CARLOS VALLEJO CALLED 15.862 ACRES GENERAL WARRANTY DEED VOL. 1360, PG. 388 ORSC (TRACT 4, SHARE 15-A)

REMAINING AREA: 3,456 ACRES

4

PABLO MORENO, JR. CALLED 11.381 ACRES

CASH DEED VOL. 752, PG, 633 ORSC

(TRACT 2)

 $\langle s \rangle$

MARIA Y HERNANDEZ & ALFREDO VILLARREAL CALLED 20.46 ACRES

WARRANTY DEED W/ VENDOR'S LIEN VOL. 1364, PG. 94 ORSC

(12) JOSE ARNOLDO PEREZ. JR. CALLED 1.0 ACRE
GENERAL WARRANTY DEED
VOL 659, PG. 519 ORSC

(15)

(15)
BALDEMAR PEREZ,
EVERARDO N. PEREZ,
MARIA PAULA P. AL VAREZ,
VOSE A. PEREZ,
PEDRO PEREZ, IR.,
CARMEN P. MORIN,
RAMINO PEREZ,
IRMA P. AL VAREZ,
HILDA P. BEN
& ROBERTO PEREZ
CALLED 31.85 ACRES
AFFIDANT TO THE PUBLIC
VOL. 169, PG. 24 ORSC

(18)

JOSE MARIA REYES, JR. CALLED 3.41 ACRES QUITCLAIM

VOL. 1289, PG. 518 ORSC

(77)

GENOVEVA CARLOS VALLEJO CALLED 15.862 ACRES GENERAL WARRANTY DEED VOL. 1360, PG. 388 ORSC (TRACT 4. SHARE 15-A)

REMAINING AREA: 10.482 ACRES

(2)

JESUS BARRERA, ET AL

MARCOS MUNIZ, JR., ET AL AFFIDAVIT OF HEIRSHIP VOL. 1082, PG. 793 ORSC

JOSE LUIS PEREZ, ET AL APPLICATION FOR LETTERS OF ADMINISTRATION (CAUSE No. PR-96-11)

ROGELIO PEREZ DEED OF GIFT VOL. 1142, PG. 629 ORSC

(6)

ALMA GLORIA ROSA GARCIA, ET AL REMANDER OF CALLED 22.744 ACRES WARRANTY BEED VOL. 579, PG. 373 ORSC

(SHARE 18)

ANA R. ROSA, ET AL AFFIDAVIT OF HEIRSHIP VOL. 1415, PG. 619 ORSC

(TRACT 3, SHARE 15-A)

(5) PABLO MORENO, JR. CALLED 11.381 ACRES CASH DEED VOL. 752, PG, 633 ORSC (TRACT 3)

(9)

FIDENCIO M. GUERRA, JR.,
ET AL
CALLED 9 ACRES
ABSTRACT OF JUDGEMENT
VOL. 1415, PG. 567 ORSC
(THIRD TRACT: SHARE 38—A)

ROBERTO MIGUEL GUERRA, ET AL VOL. 1478, PG. 308 ORSC (CAUSE No. 2013—PC—2240)

(73)

GERARDO GARZA LOPEZ CALLED 9.07 ACRES GENERAL WARRANTY DEED VOL. 1311, PG. 249 ORSC

(16)

BESTY ANN GARZA CALLED 1.15 ACRES WARRANTY DEED VOL. 1151, PG. 187 ORSC (PROPERTY No. 1)

(19)

BLANCA E. ROSA LEAL, ET VIR CALLED 0.500 ACRES WARRANTY DEED VOL. 1415, PG. 609 ORSC

CALLED 13.727 ACRES
FINAL DECREE OF PARTITION
VOL. 88, PG. 470 DRSC
(SHARE 16-A)

LIBRADA PEREZ MUNIZ, ET AL AFFIDAVIT OF HEIRSHIP VOL. 789, PG. 150 ORSC

AFFIDAVIT OF HEIRSHIP VOL. 924, PG. 83 ORSC

DAVY TREVINO GENERAL WARRANTY GIFT DEED VOL. 1169, PG. 322 ORSC

ERNESTO BARRON, ET AL DEED OF GIFT VOL. 1182, PG. 162 ORSC

LIBRADO PEREZ DEED OF GIFT VOL. 1182, PG. 164 ORSC

MERLINDA P. HINOJOSA DEED OF GIFT VOL. 1182, PG. 166 ORSC

ISMAEL CASAS, JR. CORRECTION DEED OF GIFT VOL. 1231, PG. 333 ORSC

(11) MARIA TERESA FLORES CALLED 5.47 ACRES WARRANTY DEED VOL. 497, PG. 34 DRSC (SECOND TRACT)

(14)

MARIA E. GONZALEZ MUNOZ CALLED 5.287 ACRES WARRANTY DEED VOL. 1144, PG. 15 ORSC (TRACT 1, SHARE 15-A)

 $\langle \mathcal{D} \rangle$

OWNER LINKNOWN (NO DEED OF RECORD FOUND)

(20)

OWNER UNKNOWN (NO DEED OF RECORD FOUND)

(21)

MARIA TERESA FLORES CALLED 16.41 ACRES WARRANTY DEED VOL. 497, PG. 34 DRSC (THIRD TRACT)

(10) OWNER UNKNOWN (NO DEED OF RECORD FOUND) (22)

CANUTO PEREZ, ET AL
REMAINDER OF
CALLED 6.0 ACRES
PARTITION—CAUSE NO. 3086
VOL. 293, PG. 347 DRSC
(TRACT 6, SHARE 15—A)

AZENETH ALVAREZ ALANIS AFFIDAVIT OF FACTS CONCERNING IDENTITY OF HEIRS VOL. 1440, PG. 126 ORSC VOL. 1440, PG. 128 ORSC



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Drawing METES & BOUNDS SURVEY **GENOVEVA CARLOS VALLEJO** Ref. TRACT No. RGV-RGC-5079 ⊸ N N STARR COUNTY

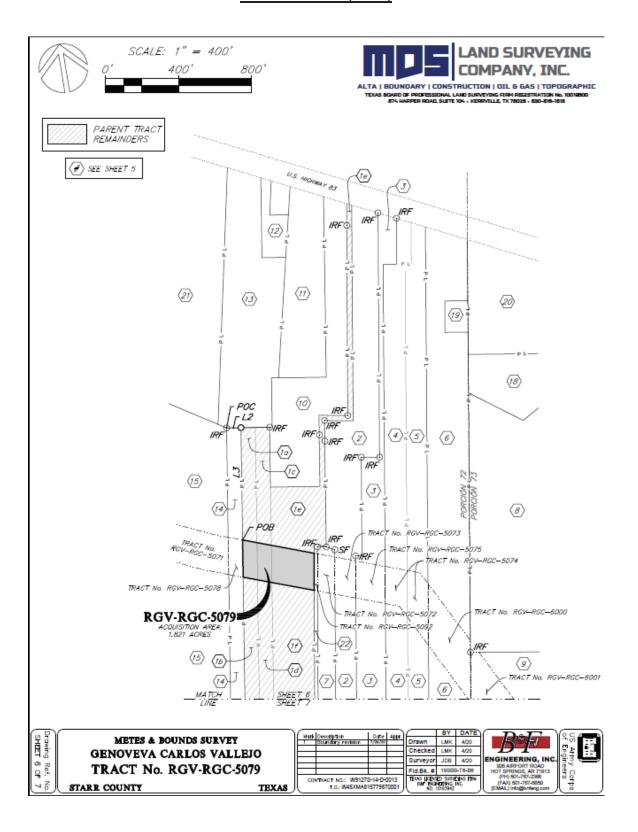
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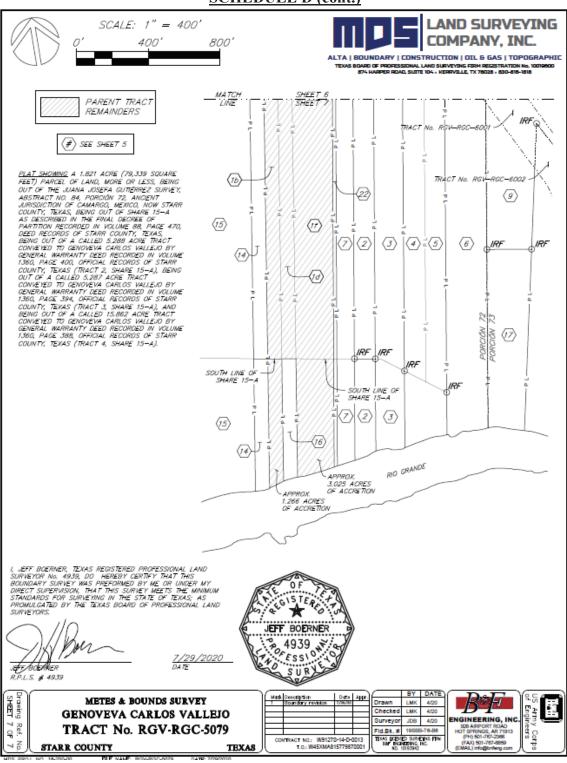
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00	TRACT NO.: W9127 T.O.: W45XMA8			TEXAS LICENS BMF BNG NO.	ED SURVE NEZBONS. 10183942	INC.









Tract: RGV-RGC-5079

Owner: Genoveva Carlos Vallejo, et al.

Acreage: 1.821

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract(s): RGV-RGC-5079

Owner: Genoveva Carlos Vallejo, et al.

Acres: 1.821

The estate acquired is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to the mineral interests of third parties; excepting and reserving to the Grantor all interests in minerals and appurtenant rights for the exploration, development, production and removal of said minerals;

Reserving to the owners of property identified in conveyances recorded with Official Records of Starr County, Texas, volume 88 and page 470, volume 1360 and page 400, volume 1360 and page 394, and volume 1360 and page 388, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the western most mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.



SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TEN THOUSAND SIX HUNDRED SEVENTY FIVE DOLLARS AND NO/100 (\$10,675.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G

INTERESTED PARTIES

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference		
The Unknown Heirs and/or Devisees of	RGV-RGC-5079		
Genoveva Carlos Vallejo	Deed		
Address Unknown	Volume 1360, Page 400		
	Deed Records of Starr County, Texas		
	Recorded October 9, 2012		
	General Warranty Deed		
	Volume 1360, Page 394		
	Deed Records of Starr County, Texas		
	Recorded October 9, 2012		
	Deed		
	Volume 1360, Page 388		
	Deed Records of Starr County, Texas		
	Recorded October 9, 21012		
The Unknown Heirs and/or Devisees of	Partition		
Cornelio Alvarez	Volume 88, Page 470		
Address unknown	Deed Records of Starr County, Texas		
	Recorded on April 7, 1946		
The Unknown Heirs and/or Devisees of	Partition		
Anita Perez de Alvarez	Volume 88, Page 470		
Address Unknown	Deed Records of Starr County, Texas		
	Recorded on April 7, 1946		
Guadalupe Montemayor	None		
	Ms. Montemayor lives in Genoveva		
T	Vallejo's home and claims to be her		
Roma, Texas 78584	daughter. She claims that Genoveva is		
	alive but there is an obituary online for		
	Genoveva.		
Juan Eloy Montemayor	None		
	Mr. Montemayor lives in Genoveva		
	Vallejo's home and claims to be her		
Roma, Texas 78584	grandson; he told CBP officers that he		
	owns an interest in the lands. He claims		

	that Genoveva is alive but there is an
	online obituary for Genoveva.
Ameida Salinas	Tax Authority
Starr County Tax Assessor-Collector	Tax Account No. 42932
100 N. FM 3167	Tax Account No. 23179
Room 201	Tax Account No. 623
Rio Grande City, Texas 78582	